

HOUSE BILL 1291

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CF SB 952

By: **Delegates McIntosh, Bronrott, Cane, Carr, Frush, Glenn, Healey, Hecht, Huckler, Kaiser, Lafferty, Montgomery, Niemann, Pena–Melnik, Reznik, and Stein**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Home Sales – Disclosure of Utility Consumption**

3 FOR the purpose of requiring a vendor of single family residential property to include
4 certain utility information for a certain time period in a certain listing;
5 requiring the vendor to submit certain utility information to the Maryland
6 Association of Realtors under certain circumstances; requiring certain utility
7 information to be calculated in a certain manner; requiring the vendor to
8 provide to the purchaser, before signing a sales contract, certain materials and
9 certain utility information; requiring the Maryland Association of Realtors to
10 publish certain utility information to a certain website; requiring the website
11 developed under this Act to allow visitors to search certain information in a
12 certain manner; providing for the scope of this Act; defining certain terms;
13 providing for the application of this Act; and generally relating to disclosure of
14 utility consumption prior to the sale of single family residential property.

15 BY repealing and reenacting, without amendments,
16 Article – Real Property
17 Section 1–101(l) and (n)
18 Annotated Code of Maryland
19 (2003 Replacement Volume and 2009 Supplement)

20 BY adding to
21 Article – Real Property
22 Section 10–702.1
23 Annotated Code of Maryland
24 (2003 Replacement Volume and 2009 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Real Property**

2 1–101.

3 (l) “Purchaser” has the same meaning as buyer or vendee.

4 (n) “Vendor” has the same meaning as seller.

5 **10–702.1.**6 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
7 **MEANINGS INDICATED.**8 **(2) “FACT SHEET” MEANS A PUBLICATION CREATED BY THE**
9 **MARYLAND ASSOCIATION OF REALTORS THAT GIVES INFORMATION ABOUT**
10 **HOME ENERGY EFFICIENCY IMPROVEMENTS, INCLUDING HOME ENERGY AUDITS**
11 **THAT IS AVAILABLE:**12 **(I) IN HARD COPY; AND**13 **(II) ON THE MARYLAND ASSOCIATION OF REALTORS**
14 **WEBSITE.**15 **(3) “HOME ENERGY AUDITS” MEANS AN EVALUATION OF THE**
16 **ENERGY EFFICIENCY OF RESIDENTIAL PROPERTY THAT INCLUDES ANY TEST OR**
17 **DIAGNOSTIC MEASUREMENT THAT THE MARYLAND DEPARTMENT OF THE**
18 **ENVIRONMENT DETERMINES IS NECESSARY TO:**19 **(I) ENSURE THAT THE ENERGY EFFICIENCY OF**
20 **RESIDENTIAL PROPERTY IS ACCURATELY MEASURED; AND**21 **(II) IDENTIFY STEPS THAT CAN BE TAKEN TO IMPROVE THE**
22 **ENERGY EFFICIENCY OF RESIDENTIAL PROPERTY.**23 **(B) (1) THIS SECTION APPLIES ONLY TO SINGLE FAMILY**
24 **RESIDENTIAL REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY**
25 **UNITS.**26 **(2) THIS SECTION DOES NOT APPLY TO THE INITIAL SALE OF**
27 **SINGLE FAMILY RESIDENTIAL REAL PROPERTY THAT HAS NEVER BEEN**
28 **OCCUPIED.**29 **(C) AT THE TIME OF LISTING A SINGLE FAMILY RESIDENTIAL PROPERTY**
30 **FOR SALE, A VENDOR SHALL:**

1 **(1) INCLUDE IN THE LISTING:**

2 **(i) COPIES OF ELECTRIC, GAS, AND HOME HEATING OIL**
3 **BILLS OR COST AND USAGE HISTORY FOR THE RESIDENTIAL PROPERTY FOR THE**
4 **12-MONTH PERIOD IMMEDIATELY BEFORE THE DATE OF THE LISTING; AND**

5 **(ii) INFORMATION ABOUT HOW TO ACCESS THE FACT SHEET**
6 **ONLINE; AND**

7 **(2) SUBMIT TO THE MARYLAND ASSOCIATION OF REALTORS**
8 **COPIES OF ELECTRIC, GAS, AND HOME HEATING OIL BILLS OR COST AND USAGE**
9 **HISTORY FOR THE RESIDENTIAL PROPERTY FOR THE 12-MONTH PERIOD**
10 **IMMEDIATELY BEFORE THE DATE OF THE LISTING.**

11 **(D) A VENDOR SHALL SUBMIT UPDATED UTILITY INFORMATION TO THE**
12 **MARYLAND ASSOCIATION OF REALTORS EVERY 6 MONTHS DURING THE PERIOD**
13 **THAT THE RESIDENTIAL REAL PROPERTY IS LISTED FOR SALE.**

14 **(E) UTILITY INFORMATION SUBMITTED UNDER SUBSECTIONS (C) AND**
15 **(D) OF THIS SECTION SHALL BE CALCULATED IN:**

16 **(1) FOR ELECTRICITY, KILOWATT-HOURS PER SQUARE FOOT;**

17 **(2) FOR GAS, BRITISH THERMAL UNITS; AND**

18 **(3) FOR HEATING OIL, GALLONS.**

19 **(F) BEFORE SIGNING A CONTRACT FOR THE SALE OF SINGLE FAMILY**
20 **RESIDENTIAL PROPERTY, A VENDOR SHALL PROVIDE TO THE PURCHASER:**

21 **(1) COPIES OF ELECTRIC, GAS, AND HOME HEATING OIL BILLS OR**
22 **COST AND USAGE HISTORY FOR THE RESIDENTIAL PROPERTY FOR THE**
23 **12-MONTH PERIOD IMMEDIATELY BEFORE THE DATE OF THE SALE; AND**

24 **(2) A COPY OF THE FACT SHEET OR INFORMATION ABOUT HOW TO**
25 **ACCESS THE FACT SHEET ONLINE.**

26 **(G) IF THE VENDOR DID NOT OCCUPY THE RESIDENTIAL PROPERTY FOR**
27 **THE FULL 12-MONTH PERIOD BEFORE THE DATE OF THE SALE, THE VENDOR**
28 **SHALL PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTIONS (C), (D),**
29 **AND (F) OF THIS SECTION FOR THE PART OF THE 12-MONTH PERIOD THAT THE**
30 **VENDOR OCCUPIED THE RESIDENTIAL PROPERTY.**

1 **(H) (1) THE MARYLAND ASSOCIATION OF REALTORS SHALL PUBLISH**
2 **THE UTILITY USAGE INFORMATION SUBMITTED BY VENDORS UNDER**
3 **SUBSECTIONS (C) AND (D) OF THIS SECTION ON THE MULTIPLE LISTING**
4 **SERVICE WEBSITE OR A COMPARABLE PUBLICLY ACCESSIBLE WEBSITE.**

5 **(2) THE WEBSITE USED UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION SHALL ALLOW VISITORS TO SEARCH THE UTILITY USAGE**
7 **INFORMATION BY ADDRESS.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
9 construed to apply only prospectively and may not be applied or interpreted to have
10 any effect on or application to any listing for the sale of single family residential
11 property posted before the effective date of this Act.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 January 1, 2011.